

DAE

#10

CERTIFICATE OF MAILING

certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Martha Martin
Type or print name

Martha Martin
Signature

August 16, 2007
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

LIPSCOMB, ET ALAPPLICATION NO: **09/942,347**FILED: **AUGUST 29, 2001**FOR: **TEXTURED CONTACT LENS PACKAGE**

EXAMINER:

J.G. PickettART UNIT: **3728****RECEIVED****AUG 20 2007****OFFICE OF PETITIONS**

Assistant Commissioner for Patents
Alexandria, Virginia 23313-1450

**Inquiry to the Status of Petition to withdraw holding of abandonment
pursuant to 37 CFR §1.181(a)**

Sir:

Applicants submitted a petition to withdraw holding of abandonment pursuant to 37 CFR §1.181(a) on May 7, 2004. This petition has been pending for more than three years and Applicants have not received yet any communication related to this petition. As such, Applicants respectfully request to be informed the status of this petition and to grant Applicants' petition.

To facilitate the process, Applicants hereby submit the following documents:

- (1) The copies of the newly-signed power of attorney;
- (2) The copy of the return receipt postcard with the U.S. PTO's stamp of May 10, 2004, which confirming that Applicant submitted the petition with other accompanying documents;
- (3) The copy of the Petition filed on May 7, 2004,

- (4) The copies of the documents accompanying the Petition: the copy of the Response to the Office Action filed on November 25, 2003, Terminal Disclaimer, assignments, a Fee Letter for authorizing the Commissioner to charge the \$110 fee under 37 CFR §1.20(d), two pages of formal drawings, and a return-receipt postcard indicating the above items.

In view of the evidence provided in the Petition and attached herewith again, Applicants respectfully request withdrawal of the holding of abandonment of the present application.

While no fees are believed due, the commissioner is hereby authorized to charge any other fees with may be required under 37 C.F.R. §1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965. Please address all correspondence to Robert Gorman, CIBA Vision, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097.

Respectfully submitted,



Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

Date: Aug. 9, 2007

CIBA Vision
Patent Department
11460 Johns Creek Parkway
Duluth, GA 30097



Case CLV-31575A

POWER OF ATTORNEY FOR U.S. PATENT APPLICATIONS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

Textured Contact Lens Package

the specification of which was filed on September 1, 2000 as U.S. Application No. **09/942,347.**

I hereby appoint the following attorneys and agents associated:

Robert Gorman, Registration Number 41,789

Jian S. Zhou, Registration Number 41,422

Sheng Hu, Registration Number 50,328

and other attorneys and agents associated with Customer No. 31781, respectively and individually, as my attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

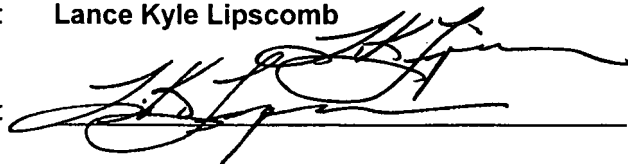
Please address all communications to the address associated with Customer No. 31781 which is currently Robert J. Gorman, Jr., CIBA Vision Corporation, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097-1556.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FIRST JOINT INVENTOR:

Full name : Lance Kyle Lipscomb

Signature :



Date :

8/3/07

(MM/DD/YY)

Citizenship : United States of America

Residence : Cumming, Georgia

P.O. Address : 7645 Fox Hat Lane
Cumming, Georgia 30040

SECOND JOINT INVENTOR:

Full name : Michael Nelson Wilde

Signature :

Date :

(MM/DD/YY)

Citizenship : United States of America

Residence : Kennesaw, Georgia

P.O. Address : 2789 Revere Main
Kennesaw, Georgia 30144



Case CLV-31575A

POWER OF ATTORNEY FOR U.S. PATENT APPLICATIONS

RECEIVED

AUG 20 2007

OFFICE OF PETITIONS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

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Textured Contact Lens Package

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I hereby appoint the following attorneys and agents associated:

Robert Gorman, Registration Number 41,789

Jian S. Zhou, Registration Number 41,422

Sheng Hu, Registration Number 50,328

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Please address all communications to the address associated with Customer No. 31781, which is currently Robert J. Gorman, Jr., CIBA Vision Corporation, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097-1556.

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FIRST JOINT INVENTOR:

Full name : Lance Kyle Lipscomb

Signature : _____

Date : _____
(MM/DD/YY)

Citizenship : United States of America

Residence : Cumming, Georgia

P.O. Address : 7645 Fox Hat Lane
Cumming, Georgia 30040

SECOND JOINT INVENTOR:

Full name : Michael Nelson Wilde

Signature :  _____

Date : 8/6/07
(MM/DD/YY)

Citizenship : United States of America

Residence : Kennesaw, Georgia

P.O. Address : 2789 Revere Main
Kennesaw, Georgia 30144



Case No. CLV-31575A-TEX
Application No. 09/942,347
Mailing Date: May 7, 2004
Due Date: _____

Express Mail No. _____

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below:

☒ Amendment/Response/Letter - Fee \$ _____ *copy*

☐ Applic. Filing Papers - Fee \$ _____

☐ PCT National Stage

☐ Provisional Application

☐ RCE ☐ DIV ☐ CONT ☐ CIP

☐ Specification _____ Pg's

☐ Executed/Unexecuted Decl. - Fee \$ _____

☐ Missing Parts/Missing Req.

☐ Preliminary Amendment _____ Pg's

☐ Claim of Priority ☐ Certified Copy(s)

☐ Amendment After Final

☒ Notice of Appeal - Fee \$ _____

☒ Appeal Brief - Fee \$ _____

☐ Issue Fee Payment \$ _____

☒ Assignment Rec. Req. - Fee \$ _____

☒ Formal Drawing 2 Pg's *copy*

☐ IDS _____ Pg's - Fee \$ _____

☐ PTO-1449 Form _____ Pg's

☐ Pet. for Ext. of Time - Fee \$ _____

☐ Application Data Sheet

☐ Seq. Listings _____ Pg's/Seq. Disk

☐ Publication - Fee \$ _____

☒ *Petition to withdraw aband. 37 CFR 1.81(a)*

☒ *Terminal disclaimer*

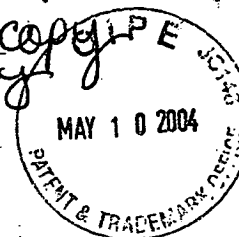
☒ *Fee Letter*

Initials _____

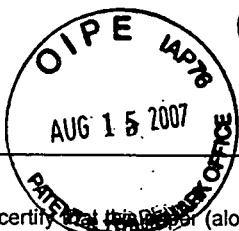
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82972/99A Rev.1



CASE CLV-31575A/TEX

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Jennifer China
Type or print name

Signature

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

LIPSCOMB, ET AL

APPLICATION NO: **09/942,347**

FILED: **AUGUST 29, 2001**

FOR: **TEXTURED CONTACT LENS PACKAGE**

EXAMINER:

J.G. Pickett

ART UNIT: **3728**

RECEIVED

AUG 20 2007

OFFICE OF PETITIONS

Assistant Commissioner for Patents
Alexandria, Virginia 23313-1450

**Petition to withdraw holding of abandonment
pursuant to 37 CFR §1.181(a)**

Sir:

A copy of the Notice of Abandonment dated April 2, 2004 from Examiner Gregory Pickett of Art Unit 3728 has been received, via fax on May 6, 2004. Applicants hereby petition that the holding of abandonment be withdrawn because applicants did timely file a proper reply to the Office Action mailed on August 26, 2003.

The present application was held to be abandoned by the Examiner for failure to timely file a proper reply to the Office Action mailed on August 26, 2003. However, on November 25, 2003, one day before the due date, Applicants filed an Response to Office Action with Certificate of Mailing, accompanying with a Terminal Disclaimer, assignments, a Fee Letter for authorizing the Commissioner to charge the \$110 fee under 37 CFR §1.20(d), two pages of formal drawings, and a return-receipt postcard indicating the above items. The Certificate of Mailing on the top of the submitted Response to Office Action was signed by Jennifer China on November 25, clearly demonstrating that the Response to Office Action was being deposited with the United States

Postal Service with sufficient postage on that day. On December 3, 2003, Applicants received the return-receipt postcard with the PTO stamp indicating that PTO received the Applicants' Response to Office Action and other items listed above on November 28, 2003. A copy of the return-receipt postcard is enclosed herewith, proving that Applicants did timely file a proper reply to the Office Action mailed on August 26, 2003. This postcard serves as prima facie evidence of receipt by the PTO of all papers listed thereon. Also enclosed herewith are copies of the previously filed Terminal Disclaimer, assignments, Fee Letter, and two pages of formal drawings.

In view of the evidence provided, Applicants respectfully request withdrawal of the holding of abandonment of the present application.

While no fees are believed due, the commissioner is hereby authorized to charge any other fees with may be required under 37 C.F.R. §1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965. Please address all correspondence to Robert Gorman, CIBA Vision, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097.

Respectfully submitted,

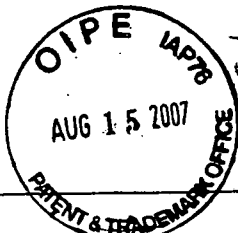


Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

Date:

May 7, 2004

CIBA Vision
Patent Department
11460 Johns Creek Parkway
Duluth, GA 30097



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Jennifer China
Type or print name

Jennifer China
Signature

NOV 25, 2003
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

LIPSCOMB, ET AL.

APPLICATION NO: 09/942,347

FILED: AUGUST 29, 2001

FOR: TEXTURED CONTACT LENS PACKAGE

EXAMINER:

J.G. Pickett

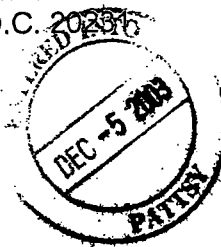
ART UNIT: 3728

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AUG 20 2007

OFFICE OF PETITIONS

Assistant Commissioner for Patents
Washington, D.C. 20231



Responses to office action



Dear Sir:

The Office Action dated August 26, 2003 from Examiner John Pickett of Art Unit 3728 has been received and reviewed. The following is in response thereto.

CLAIM AMENDMENTS

Please amend claims 2, 3, 5 and 7 as follows:

1. (Original) A container for storing a silicone hydrogel contact lens in a liquid, the silicone hydrogel contact lens having a base surface defining a base curve equivalent radius and a front surface, the container comprising:

a base portion; and

a bowl portion formed integral with the base portion for containing the liquid and the contact lens, the bowl portion including a lens seating section having an inner surface defined by a radius, the base curve equivalent radius being from about 85 percent to about 100 percent of the inner surface radius, and an outer section between said lens seating section and said base portion,

wherein said outer section has an outer surface which is defined by a radius larger than the inner surface radius, and

wherein said bowl portion has a roughness sufficient to maintain capillary attraction of the lens to said bowl portion but preventing adhesion of any portion of the front surface of the silicone based hydrogel contact lens to the bowl portion.

2. (Currently amended) The container of claim 1, wherein the bowl portion is roughened to a ~~Chamille no.~~ Charmille No. of 16 to 30.

3. (Currently amended) The container of claim 1, wherein the bowl portion is roughened to a ~~Chamille no.~~ Charmille No. of 18 to 26.

4. (Original) The container of claim 1, wherein the inner surface radius is about 9 mm and the outer surface radius is about 10 mm.

5. (Currently amended) A container for storing a contact lens in a liquid, the container comprising:

a base portion; and

a bowl portion formed integral with the base portion for containing the liquid and the contact lens, the bowl portion including a lens seating section having an inner surface defined by a radius of about 9.0 mm, and an outer section between said lens seating section and said base portion, wherein said bowl portion is roughened to a ~~Chamille~~ Charmille no. of 16 to 30,

wherein said outer section has an outer surface which is defined by a radius larger than the inner surface radius.

6. (Original) The container of claim 5, further including a cover for confining the contact lens and the liquid in the bowl portion.

7. (Currently amended) The container of claim 5, wherein the said bowl portion is roughened to a ~~Chamille no.~~ Charmille No. of 18 to 26.

REMARKS***Pending claims***

Claims 2, 3, 5 and 7 have been amended to more clearly point out and distinctly claim the invention. These amendments do not contain new matter and are fully supported by the specification. After these amendments are entered, seven (7) Claims (claims 1-7) are pending.

Drawings

Applicants submit herewith corrected drawings.

Claim Objections

The objections over claims 2, 3, 5 and 7 have been overcome by the amendments of these claims through this Amendment.

Claim Rejections – 35 USC 112

The rejection under 35 USC 112, second paragraph, of claim 7 has been overcome by the Amendment of claim 7.

Double Patenting

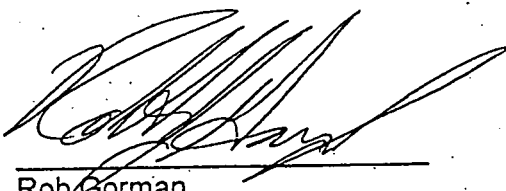
Claims 1-7 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 4-6 of Wilde et al (US 6,050,398) in view of Abrams et al. (US 5,467,868). Such rejection over claims 1-7 has been overcome by a terminal disclaimer submitted herewith in compliance with 37 CFR 1.321(c). Applicants respectfully request withdraw of this rejection.

CONCLUSION

In view of the foregoing and in conclusion, Applicant submits that the rejections and objections set-forth in the Office Action have been overcome, and that all pending claims are now in condition for allowance.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Thomas Hoxie, Novartis Corporation, Corporate Intellectual Property, One Health Plaza, Bldg. 430, East Hanover, NJ 07936-1080. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 19-0134.

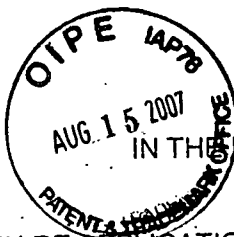
Respectfully submitted,



Rob Gorman
Reg. No. 41,789
(678) 415-4389

Date: 25 Nov 2023

Novartis Corporation
Corporate Intellectual Property
One Health Plaza, Bldg. 430
East Hanover, NJ 07936-1080



CASE CLV-31575A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
LIPSCOMB ET AL.

Art Unit: 3728

Examiner: J. G. Pickett

APPLICATION NO.: 09/942,347

FILED: SEPTEMBER 1, 2000

FOR: TEXTURED CONTACT LENS PACKAGE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

TERMINAL DISCLAIMER

Sir:

Novartis AG, a company organized under the laws of the Swiss Confederation, having a place of business at Lichtstrasse 35, Basel, Switzerland 4056, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which is being transmitted for recordation in the United States Patent and Trademark Office concurrently herewith. A copy is attached hereto.

Novartis AG hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,050,398 issued November 25, 1998. Said Patent No. 6,050,398 is also assigned to Novartis AG by virtue of an assignment which an assignment which was recorded in the United States Patent and Trademark Office on March 17, 2000 at Reel/Frame 010690/0637.

Novartis AG hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and prior Patent No. 6,050,398 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

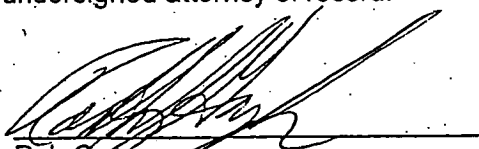
In making the above disclaimer, Novartis AG does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent No. 6,050,398, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to

pay a maintenance fee, if held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.


Signed this 25th day of _November, 2003 by the undersigned attorney of record.

Novartis Pharmaceuticals Corporation
Patent and Trademark Dept.
One Health Plaza
East Hanover, NJ 07936-1080
(678) 415-4389


Rob Gorman
Attorney for Applicants
Reg. No. 41,789

And we hereby agree to sign and/or execute any further documents and/or instruments which may be necessary, lawful and proper in and/or for the filing and/or prosecution of said applications for United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates and/or the granting and/or issuance thereof and/or to otherwise secure title to said invention and all of said applications, United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates in said assignee.

Signed this day of , 2003 by Lance Kyle Lipscomb

Signed this 20th day of November , 2003 by 
Michael Nelson Wilde

ASSIGNMENT

We,

Lance Kyle Lipscomb

residing at

7645 Fox Hat Lane
Cumming, Georgia 30040

Michael Nelson Wilde

residing at

2789 Revere Main
Kennesaw, Georgia 30144,

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AUG 20 2007

OFFICE OF PETITIONS

for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, do hereby sell and assign to **Novartis AG**, a company organized under the laws of the Swiss Confederation, having a place of business at Lichtstrasse 35, Basel, Switzerland 4056, its successors, assigns and legal representatives, all our right, title and interest, which includes the right to and full benefit of such priorities as may now or hereafter be granted to us by local laws or by treaty, including any international convention for the protection of industrial property, in and for the United States and its territories and possessions in and to the invention entitled:

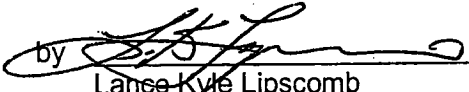
Textured Contact Lens Package

invented by us and described in the application for United States Letters Patent

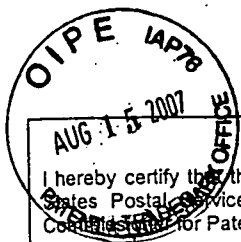
Application No. 09/942,347, filed September 1, 2000,

including (1) said application for United States Letters Patent and all continuations and divisions thereof (including further continuations and divisions such as, but not limited to, continuations of continuations and divisions of continuations), (2) all United States Letters Patent which may be issued and/or granted on all such applications, (3) all applications for reissues and extensions of and reexamination certificates for all such United States Letters Patent and (4) all reissues and extensions and reexamination certificates issued for all such United States Letters Patent, the said interest being the entire ownership of said invention and all of said applications, United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates to be held and enjoyed by the said Novartis AG and its successors and assigns to the full end of the terms to which said United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates may be granted and/or issued, as fully and entirely as the same would have been held and enjoyed by us if this sale, assignment and transfer had not been made;

And we hereby agree to sign and/or execute any further documents and/or instruments which may be necessary, lawful and proper in and/or for the filing and/or prosecution of said applications for United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates and/or the granting and/or issuance thereof and/or to otherwise secure title to said invention and all of said applications, United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates in said assignee.

Signed this 18 day of Nov, 2003 by 
Lance Kyle Lipscomb

Signed this _____ day of _____, 2003 by _____
Michael Nelson Wilde



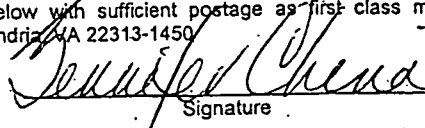
CASE CLV-31575A

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Jennifer China

Type or print name


Signature

November 25, 2003

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

LIPSCOMB ET AL.

APPLICATION NO: 09/942,347

FILED: SEPTEMBER 1, 2000

FOR: TEXTURED CONTACT LENS PACKAGE

Art Unit: 3728

Examiner: J. G. Pickett

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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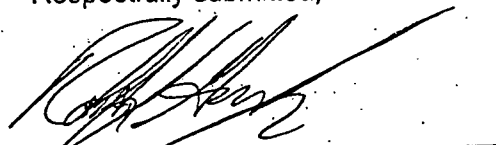
FEE LETTER

Sir:

Enclosed herewith is a Terminal Disclaimer in the above-identified application.

The Commissioner is hereby authorized to charge the \$110 fee under 37 CFR §1.20(d) and any additional fees that may be required to Deposit Account No. 19-0134 in the name of Novartis. An additional copy of this paper is here enclosed.

Respectfully submitted,



Rob Gorman
Attorney for Applicants
Reg. No. 41,789

Novartis Pharmaceuticals Corporation
Patent and Trademark Dept.
One Health Plaza
East Hanover, NJ 07936-1080
(678) 415-4691
Date: November 25, 2003

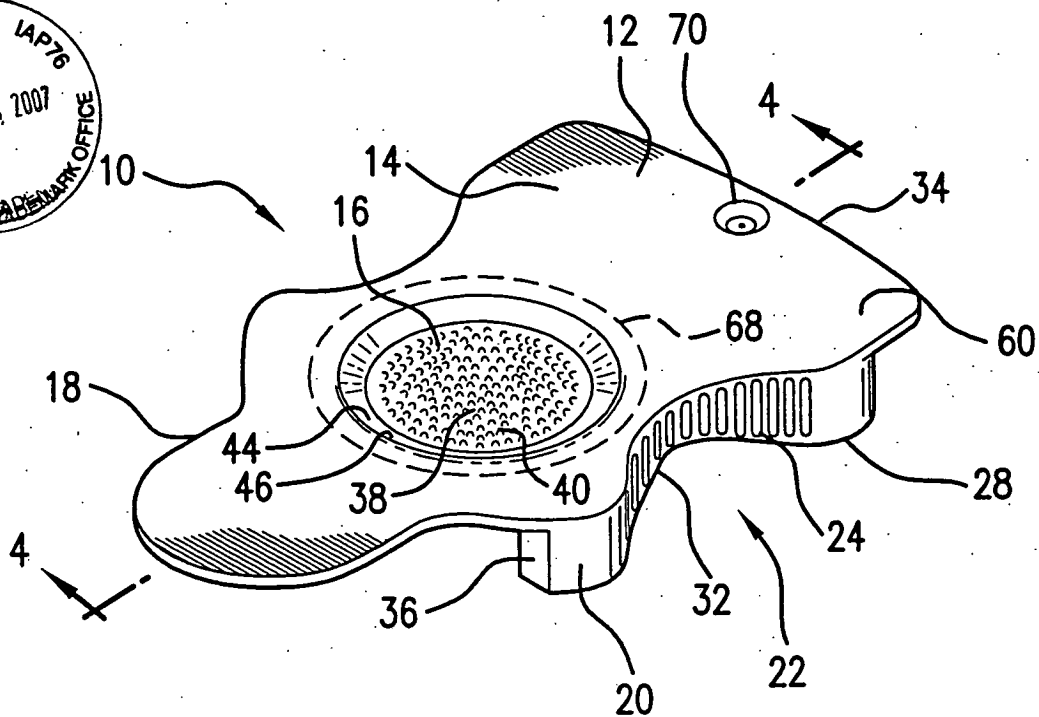
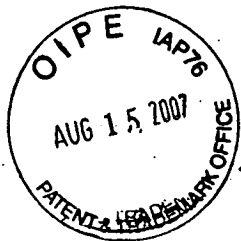


FIG. 1

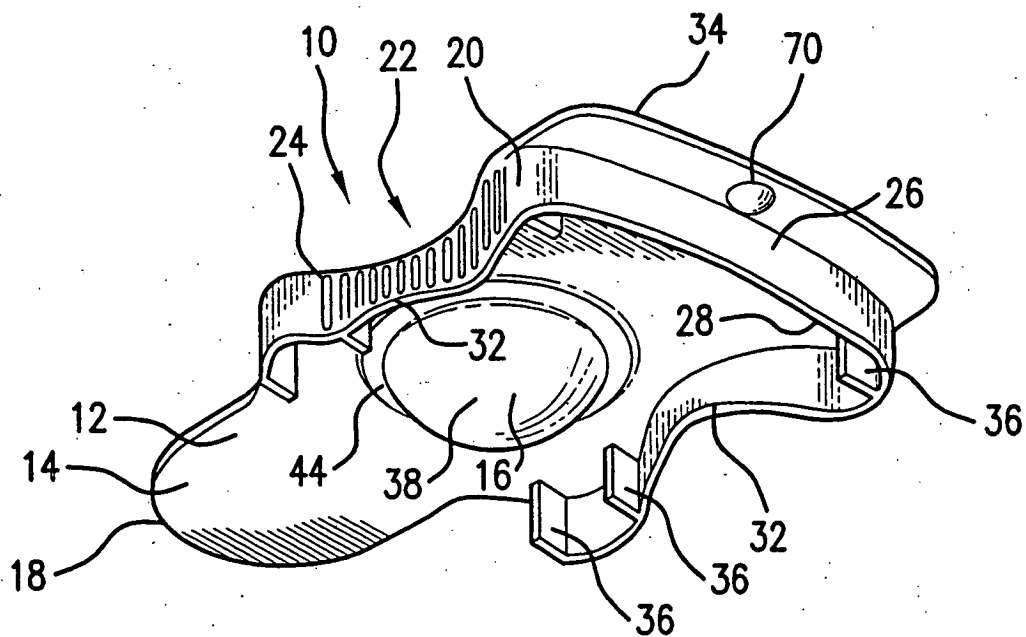


FIG. 2

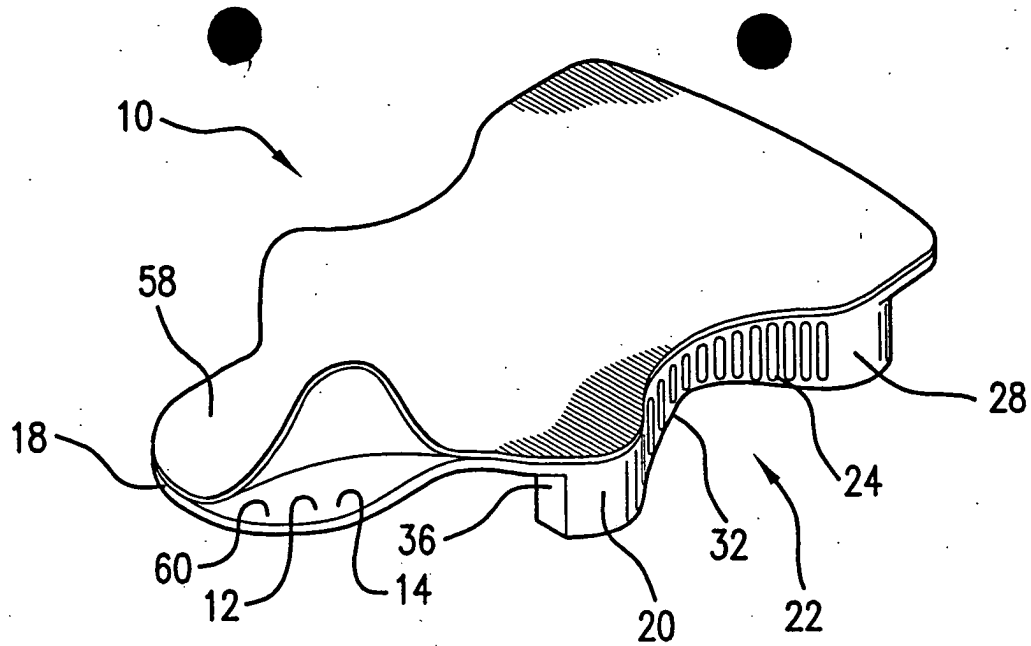


FIG. 3

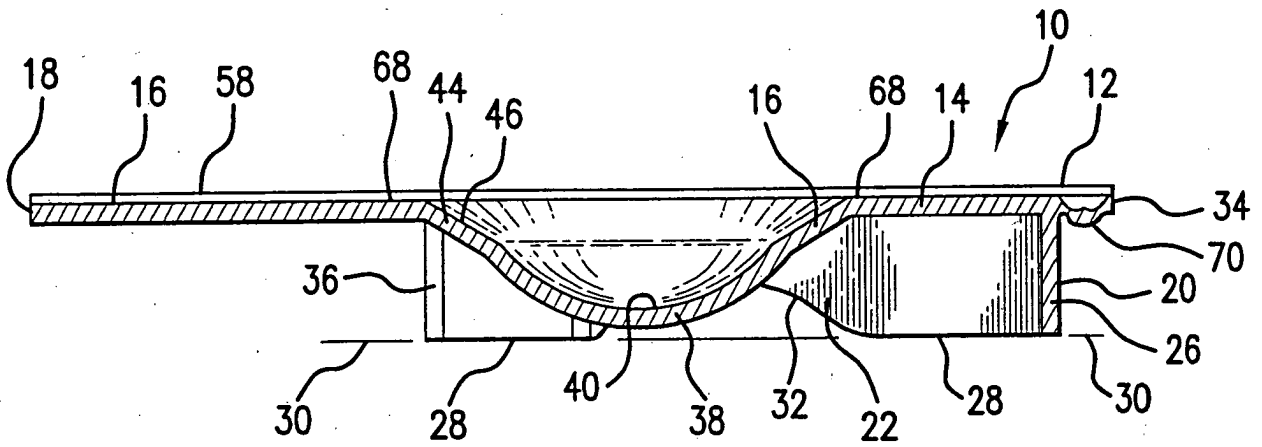


FIG. 4

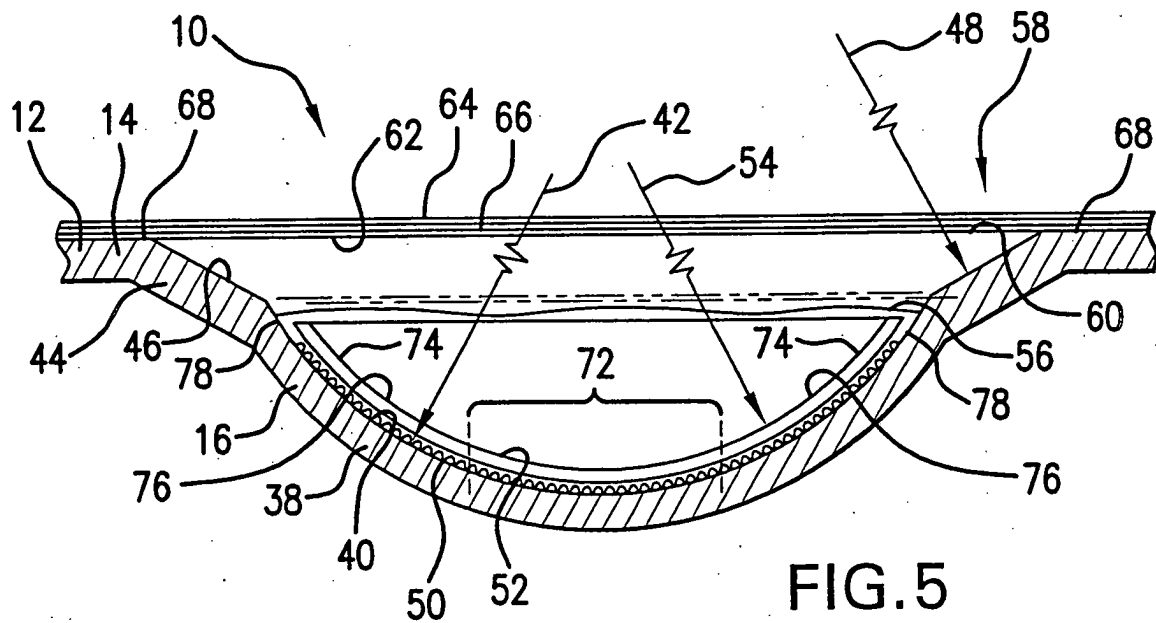


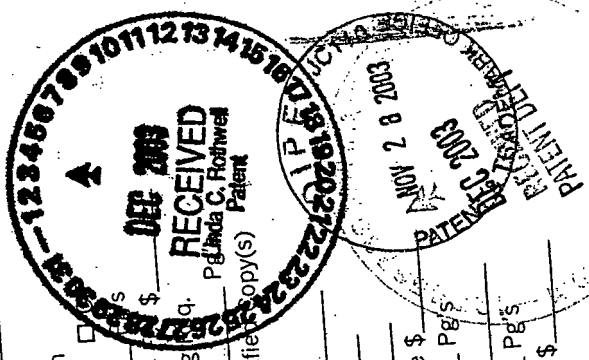
FIG. 5



Case No. CLV-31575A/TEX
Application No. 09/942,347
Mailing Date: 11/18/03
Due Date: 11/26/03

Express Mail No.: _____
The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below:

- ☒ Amendment/Response/Letter - Fee \$ 110
- ☐ App'n. Filing Papers - Fee \$ _____
- ☐ PCT National Stage
- ☐ Provisional Application
- ☐ RCE ☐ DIV ☐ CONT ☐
- ☐ Specification
- ☐ Executed/Unexecuted Decl. - Fee \$ _____
- ☐ Missing Parts/Missing
- ☐ Preliminary Amendment
- ☐ Claim of Priority ☐ Certified Copy(s)
- ☐ Amendment After Final
- ☐ Notice of Appeal - Fee \$ _____
- ☐ Appeal Brief - Fee \$ _____
- ☐ Issue Fee Payment \$ _____
- ☐ Assignment Rec. Req. - Fee \$ _____
- ☒ Formal Drawings 2 Pg's
- ☐ IDS _____ Pg's - Fee \$ _____
- ☐ PTO-1449 Form _____ Pg's
- ☐ Pet. for Ext. of Time - Fee \$ _____
- ☐ Application Data Sheet _____ Pg's/Seq. Disk
- ☐ Seq. Listings _____



Terminal Disclaimer
Assignments
Initials SSZ